

FILED

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

AUG - 2 2016
 CLERK, U.S. DISTRICT CLERK
 WESTERN DISTRICT OF TEXAS
 BY *[Signature]* DEPUTY

Petition for Warrant or Summons for Offender Under SupervisionName of Offender: Juan Francisco Rivas Case Number: SA-11-CR-322(1)XRName of Sentencing Judicial Officer: Honorable Xavier Rodriguez, United States District JudgeDate of Original Sentence: September 20, 2011Original Offense: Transportation of Aliens, in violation of 8 U.S.C §§ 1324(a)(1)(A)(ii)(B)(I)Original Sentence: Thirty-three (33) months imprisonment followed by three (3) years Supervised Release and \$100.00 Special AssessmentType of Supervision: Supervised Release Date Supervision Commenced: June 1, 2015Assistant U.S. Attorney: Matthew Lathrop Defense Attorney: Jack Carter**PREVIOUS COURT ACTION**

On December 12, 2013, a 12A-Report on Offender Under Supervision, was submitted to the Court advising the Court the offender submitted a urine specimen which tested positive for cocaine on November 25, 2013. The offender signed an admit/deny form confirming same. The offender was afforded an opportunity to continue attending outpatient drug treatment and random urinalysis program to monitor any further drug usage. On December 13, 2013, the Court approved the report as submitted.

On May 20, 2014, the United States Probation Office submitted a 12C-Petition for Warrant or Summons for Offender Under Supervision, to notify the Court that the offender failed to report and submitted a urine specimen which tested positive for cocaine and marijuana on April 25, 2014. A warrant was issued by the Court on May 20, 2014. On May 21, 2014 a San Antonio Police Department (SAPD) contacted the United Stated Probation Office and reported the offender had committed a new offense of Theft \$500-\$1,500, by stealing \$765.70 from the cash register at Goodwill. On June 16, 2014, an Amended 12C, was filed to include the offense of Theft \$500-\$1,500. The offender was arrested on the warrant on June 2, 2014. On September 3, 2014, the offender's term of supervised release was revoked and he was sentenced to twelve (12) months custody and two (2) years supervised release.

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. **Mandatory Condition No. 1:** The defendant shall not commit another federal, state, or local crime during the term of supervision.

SAPD police report Number SAPD-2015-0663928, reflects that on June 28, 2016, SAPD

Juan Francisco Rivas
SA-11-CR-322(1)XR
July 26, 2016
Page 2

officers initiated a traffic stop on a vehicle driven by Juan Francisco Rivas for expired paper plates. A records check revealed an active warrant on the offender, for the offense of Theft \$500-\$1,500 (Case Number 521297). Mr. Rivas was searched and officers discovered a plastic baggie with two blue pills and loose powder inside of the baggie. The baggie was discovered in the offender's front pocket. The offender reported the pills were ecstasy and a field test confirmed the substance was ecstasy. The offender was charged with Possession of a Controlled Substance PG 1 1<4 Grams (1.9 grams of ecstasy). The Theft case is awaiting docket appearance. The Possession of a Controlled Substance PG 1 1<4 Grams (1.9 grams of ecstasy) case is pending indictment and a pre-hearing is set for August 24, 2016, in the 186th District Court.

2. **Standard Condition No. 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

On June 28, 2016, the offender was arrested for Possession of a Controlled Substance PG 1 1<4 Grams (1.9 grams of ecstasy). As such, he possessed a controlled substance.

U.S. Probation Officer Recommendation: Juan Francisco Rivas' second term of supervised release commenced on June 1, 2015, after serving twelve months in custody on his prior revocation. During this term, the offender completed an inpatient substance abuse treatment program followed by an outpatient program at Lifetime Recovery. The offender has a history of using cocaine and marijuana. According to the pre-sentence report, the offender is a Criminal History Category VI, with ties to the Mexican Mafia criminal organization. Based on the violations listed above, the United States Probation Office respectfully requests a warrant be issued in this case.

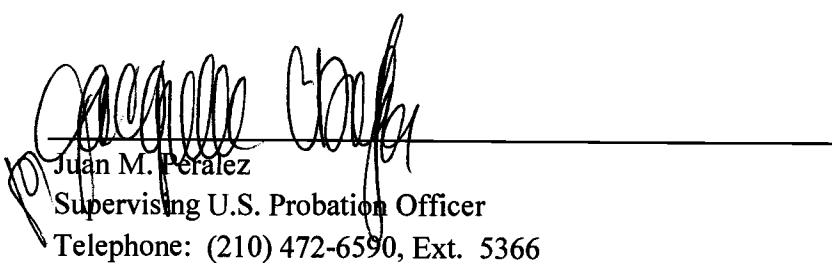
The term of supervision should be:

revoked (Maximum penalty: 2 years imprisonment; 2 years supervised release (less any term of imprisonment imposed upon revocation); and payment of any unsatisfied monetary sanction previously imposed)

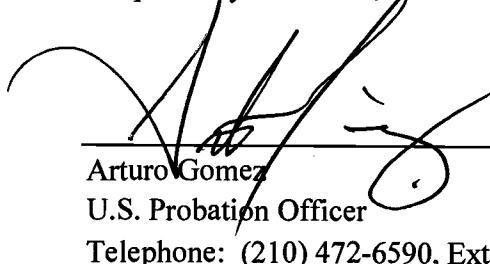
extended for _____ years, for a total term of _____ years.

The conditions of supervision should be modified as follows:

Approved:


Juan M. Perez
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5366

Respectfully submitted,


Arturo Gomez
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5314
Date: July 26, 2016

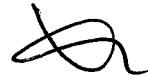
Juan Francisco Rivas
SA-11-CR-322(1)XR
July 26, 2016
Page 3

cc: Matthew Lathrop
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- No action.
- The issuance of a warrant.
- The issuance of a summons.
- Other _____



Honorable Xavier Rodriguez
U.S. District Judge

8-2-16

Date